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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,841

Applicant(s)

LAVOIE ET AL.

Examiner

Aaron L Enatsky

Art Unit

3713

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Receipt of Amendment

1. Examiner acknowledges Applicant's request for an RCE and receipt of Applicant's amendment, received 12/17/02 as paper numbers 11 and 12 respectively.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-34 are rejected under 35 U.S.C. 102(b) as anticipated by Schneier et al. '398 (Hereafter Schneier) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schneier et al. '398 in view of Wiltshire et al. '602 (Hereafter, Wilt). In regards to the 102(b) rejection and the feature of sending results during game play, Applicant's claims can be interpreted as sending results from an internal database to the client monitor/processor, Applicant's claims still read on the Schneier reference alone. See rejection below.

Schneier et al. discloses receiving from a first client terminal (an agent terminal, AT) at which a player will make a purchase request for at least one wager from a central management computer (CMC) (5:56-67 and 6:1-7) and the results will not be revealed on the AT, a player account is debited based on a purchase request or prize winning where it would be inherent that debiting occurs by subtracting purchase amount from an account balance (19:1-21 and 20:40-52), determining an outcome of the purchased wager on the CMC (15:59-67), the outcomes are

stored in a database in the CMC (7:39-41), receiving from a second client terminal/HTV a request for the CMC to allow the wager outcome (14:55-60) sent in the form of an authenticatable game authorization message (AGAM) to be revealed. Schneier et al. also discloses that a managing authority can track player related information and store it in a player database (11:51-56), thus it is inherent from this disclosure and the above discussed limitation of player account debiting that during all transactions a player identifier is used and would be received at the first client terminal. In addition Schneier et al. also teaches that communications between the AT/HTV terminals and the CMC can be accomplished through various types of interactive communication networks (6:26-27 and 6:32-41).

In re claim 2-4 and 13-14, Schneier et al. discloses the above-mentioned limitations and in addition, that a purchase may include a purchase amount of “m” tickets and a denomination value represented through different price points (17:1-9). Likewise, it is inherent through the disclosure that a number of wagers maybe purchased since the gaming system as established, includes a plurality of game and purchase terminals allowing concurrence of multiple separate purchases and game play.

In re claims 5 and 27, Schneier et al. discloses the above-mentioned limitations in addition to a plurality of agent terminals (5:63) that are located on-site at retailers/merchants (6:5-7).

In re claims 11 and 12, Schneier et al. discloses the above-mentioned limitations in addition to a player may communicate messages in response to suitable prompts/menu to purchase wagers/outcomes (10:33-55).

In re claim 19, Schneier et al. teaches that a player can continue game play until player balance is equal to zero (19:16-21 and 20:40-44).

In re claim 20-21 and 24-25, Schneier et al. discloses the above-mentioned AGAM that consists of authentication data including biometric data such as fingerprints (7:48-67).

In re claim 23, Schneier et al. discloses the above-mentioned limitations in addition, it is shown from Fig. 1, a plurality of client terminals are connected to a server and exist for the execution of the gaming system thus described.

In re claim 26, Schneier et al. discloses the above-mentioned limitations in addition to an output device (HTV) in a touch-screen arrangement with player controls to select various game functions (12:8-14). Also disclosed is an embodiment where the AT and CMC are combined into one unit where game/wager purchases will be made through the HTV. In this arrangement it is inherent that a menu be offered including that which will provide a player with game/wager purchase selections.

In regard to the 103(a) rejection and the feature of sending results during game play, Applicant's claims can also be interpreted as sending results from a remote machine to the client monitor/processor, Applicant's claims would then read on Schneier in view of Wiltshire. See rejection below.

Schneier teaches the claimed limitations as discussed above, but does not expressly recite the limitation of sending to a second client terminal the result of at least one wager during game play. However Schneier does not preclude such on-line game play, such as receiving results during game play, thru reiterating that the game can be off-line (22:56-60). Wilt teaches network connected gaming terminals that have gaming results processed on a host server and sent to the client terminals (Abstract). The network system is on-line and constantly streaming results between host and clients thus teaching receiving results from a remote system during game play. Schneier and Wilt are related as network connected gaming systems, where one would be

motivated to modify Schneier to include the features taught by Wilt to reduce the cost of hardware and software requirements (Wilt, Abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network game system taught by Schneier to receive game results during game play taught by Wilt thus reducing the need for excessive processing power in client terminals.

Response to Arguments

Applicant has amended claims to include the feature of sending results to a second client terminal during game play. Applicant's arguments revolve around the assumption that the results are sent from a remote database or computer. As currently claimed, Applicant has not clearly recited that the results are sent from a machine that is remote during game play, hence the above 102(b) rejection assuming that the results data-store could be internal, lacking specifics to database location.

Furthermore, in Schneier's teaching of network gaming, the system can very well operate in both modes, (on or off)-line. First off, Schneier's teaching of off-line gaming still requires connecting on-line to retrieve game outcomes and does not preclude the system from operating continually on-line. Such can be seen from the disclosure of "*for the purpose of this invention, the embodiment is still considered to an "off-line arrangement" as there is no need to have an on-line data connection between the HTV 20 and the CMC 12 while the game are being played*" (22:56-60). Schneier must reiterate this message that the game can still be played off-line, where the teaching of the HTV connecting via a communication network to a central computer to retrieve game outcomes, blurs the line between how the system operates. The nature of the system, the information exchange between computer terminal and server, teaches on-line

communication. A component added by Schneier allows the system to operate whereby game outcomes can be essentially cached in memory to allow for a connection break between the computer terminal and server. Schneier does not teach away from an on-line system, but adds functionality by teaching an on-line system that can work in an off-line mode. The system cannot function without the network features. Lacking the on-line network features, AGAM and ARRM messages would not be sent, thus destroying system operability. Applicant also cites (1:19-25), where a game can be played without ever needed the network connection during network play. This again, only teaches that connection is not needed, not that an on-line connection would hinder game play. Prior to game play a network connection is used, and subsequent to game play a network connection is used. Schneier also details a network connection using a telecommunication network (22:53-54), which is inherently known as an always-on network connection. Therefore, as a game is played and results could be revealed while on-line, sent from the central server. In conclusion, the system taught by Schneier does not differ from Applicants invention, with respect to the fact that Schneier teaches an on-line system, with the added capability to provide play functionality minus a network connection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky

January 10, 2003

A handwritten signature in black ink, appearing to read 'Jessica Harrison', with a long horizontal flourish extending to the right.

**JESSICA HARRISON
PRIMARY EXAMINER**